IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 83 of 2003 (M/B)

Kushal Kumar s/o Sri Jeet Ram,
R/o 84, Dangra Cant. Dehradun,
District: Dehradun. …… Petitioner.

Versus

1. State of Uttaranchal, through
District Magistrate, Dehradun.

2. State Bank of India,
Rajpur Road, Dehradun
Through its Branch Manager …….. Respondents

Sri B.P. Nautiyal, Advocate for the petitioner.
Sri Subhash Upadhyay, Standing Counsel for the State.
Sri Anil Dabral, Advocate on behalf of Sri D.S. Patni, Advocate for respondent No. 2.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla, C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Sri B.P. Nautiyal, Advocate for the petitioner.

Sri Subhash Upadhyay, Standing Advocate for respondent No.1.

Sri Anil Dabral, Advocate on behalf of Sri D.S. Patni, Advocate for respondent No. 2.

2. Though the matter is listed today for orders on C.L.M.A. No. 6018 of 2006, as the learned counsel for the parties are prepared to argue the matter finally, they are heard.

3. The petitioner Kushal Kumar has filed this writ petition for the following reliers:

I) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents not to recover the amount of Rs.

82,432/- + Rs. 8,244/- mentioned in the citation dated 14.01.2003 is annexed as Annexure No.6 to this writ petition.

II) Any other writ, order or direction which this Hon'ble court may deem fit and proper under the circumstances of the case.

III) Cost of the writ petition be awarded to the petitioner.

4. During the course of hearing Sri B.P. Nautiyal, the learned counsel for the petitioner submitted that the petitioner would be satisfied if the respondent Bank considers petitioner's offer for one time settlement.

5. Sri Anil Dabral, Advocate on behalf of Sri D.S. Patni, the learned for the respondent No.2, State Bank of India submits that the scheme of one time settlement is not in force now, and as such, the petitioner's offer for one time settlement cannot be accepted by the Bank.

6. We leave it open to respondent No. 2, State Bank of India, to take a decision on the petitioner's representation to accept or not to accept the offer of one time settlement in accordance with the rules and the scheme prevalent at the relevant time.

7. With the above order, the writ petition and C.L.M.A. No. 6018 of 2006 stands disposed of.

(Prafulla C. Pant, J.) 19.05.2006

(Rajeev Gupta, C. J.) 19.05.2006

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